

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: 17-CV-9128 (PGG) (JLC)
DATE FILED: 1/17/18

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RESTAURANT LAW CENTER, and NATIONAL
RESTAURANT ASSOCIATION,

Plaintiffs, 17-CV-9128 (PGG) (JLC)

-against-

CITY OF NEW YORK, and LORELEI SALAS, in her
official capacity as Commissioner of the NEW YORK
CITY DEPARTMENT OF CONSUMER AFFAIRS,

STIPULATION AND ORDER

Defendants.

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WHEREAS, on or about May 30, 2017, the City of New York enacted New York City Administrative Code §§ 20-1301, *et seq.* (the “Deductions Law”) which, *inter alia*, allows certain employees of fast food establishments located within the City to authorize a portion of their wages to be paid to not-for-profit organizations approved and registered by the New York City Department of Consumer Affairs (“DCA”), and directs fast food establishments to deduct, collect and remit those employee wages to the designated organizations;

WHEREAS, Plaintiffs commenced this action on or about November 21, 2017, challenging the Deductions Law on the grounds that it violates the First Amendment and is preempted by the Labor Management Relations Act and the National Labor Relations Act;

WHEREAS, Plaintiffs intend to file a motion for summary judgment on or about January 12, 2018 (“Plaintiffs’ Motion”) and Defendants intend to cross-move either to dismiss the Complaint or for summary judgment (“Defendants’ Cross-Motion”);

WHEREAS, Plaintiffs and Defendants have agreed to a schedule concerning the briefing of Plaintiffs' Motion and Defendants' Cross-Motion by which those motions will be fully briefed by February 23, 2018;

WHEREAS, on or about January 4, 2018, DCA registered Fast Food Justice as a not-for-profit organization approved to receive employee donations under the Deductions Law;

WHEREAS, Plaintiffs have advised Defendants of their intention to seek a temporary restraining order to enjoin enforcement of the Deductions Law;

WHEREAS, Defendants have agreed to stay enforcement of the Deductions Law and its associated rules until the earlier of (i) a determination of Plaintiffs' Motion and Defendants' Cross-Motion, or (ii) March 30, 2018;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. Enforcement of the Deductions Law and its associated rules is hereby stayed until the earlier of (i) a determination of Plaintiffs' Motion and Defendants' Cross-Motion, or (ii) March 30, 2018.

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2. This Stipulation and Order may be executed in counterparts and shall be filed by Defendants.

Dated: New York, New York
January 10, 2018

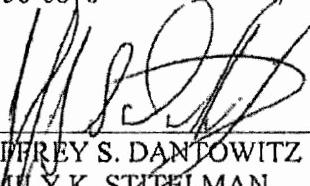
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JEFFREY S. DANTOWITZ
EMILY K. STIPELMAN
Assistant Corporation Counsels

SO ORDERED:

Paul G. Gardephe
HONORABLE PAUL G. GARDEPHE
UNITED STATES DISTRICT JUDGE

Jan. 17, 2018